

SEP 26 2008

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**BARLOW, JOSEPHS  
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# Fax

To: C. Graham or Kambiz Abdi From: Barlow, Josephs + Holmes  
Fax: 571-273-8300 Pages: 2  
Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Re: Received In Error CC: \_\_\_\_\_

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

We received the attached correspondence (1<sup>st</sup> page onl.) from the Patent Office in Error. Application No. 09/709,993 does not belong to the firm of Barlow, Josephs + Holmes. The cover page we received with this correspondence noted the patent application No. 10/906,373, which belongs to the firm. We assume that the actions for these two applications were swapped in Error. Please resend to the above-noted address the corresponding action for Patent App. # 10/906,373 - dated 9-25-08  
Thank you

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0002/002

SEP 26 2008

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/709,993	BROWN ET AL.	
	Examiner	Art Unit	
	Clement B. Graham	3692	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/3/08.

2. ☒ The allowed claim(s) is/are 13, 15-21, 23-29, 31-34, 36-47 and 50-52.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
     (a) ☐ Including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
         1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
     (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
     Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

  

**Attachment(s)**

1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>11/10/2000, 6/17/04, 12/21/07</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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PTOL-37 (Rev. 08-06)

Notice of Allowability

Part of Paper No./Mail Date 20080911